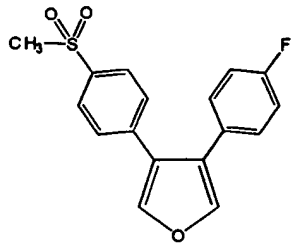
--69. The pharmaceutical composition of claim 68 wherein one of R^2 and R^3 is p-methylsulfonyl phenyl.--

--70. The method of claim 64, 65, or 66 wherein one of R^2 and R^3 is phenyl substituted with methylsulfonyl.--

--71. The method of claim 70 wherein said aryls of R^2 and R^3 are phenyl.--

--72. The method of claim 71 wherein one of R^2 and R^3 is p-methylsulfonyl phenyl.--

--73. A compound of the formula



or a pharmaceutically acceptable salt thereof.--

REMARKS

New claims 67 through 73 are supported in Bertenshaw et al.'s U.S. Application Serial No. 08/425,022 as follows:

Claims 67 and 70 limit the pending claims 59 and 64 to 66 respectively by requiring that one of R^2 and R^3 be a methylsulfonyl phenyl. Claims 68 and 71 limit claims 67 and 70 respectively by requiring that both of the "aryls of R^2 and R^3 be phenyl. Claims 69 and 72 limit claims 68 and 71 respectively to specify that the methylsulfonyl is positioned in the *para* position on the phenyl.

The recitation of "phenyl" for "aryl" is supported throughout the application. At page 21 of application Serial No. 08/425,022 at lines 16-20 (BE 1001; 21)[1], it is noted that a preferred aryl is phenyl (see also BE 1024; 2-3 (¶3-7)).[2]

> The term "aryl" embraces aromatic radicals such as phenyl, naphthyl, phenyl substituted with lower alkyl [e.g. tolyl, xylyl, mesityl, cumenyl, di(tert-butyl)phenyl, etc.] and the like, in which the preferable one is **phenyl**[, sic] naphthyl, tetrahydronapthyl, indane and biphenyl.

Indeed, in about 79% of the compounds (104 named compounds out of 132 named compounds) specifically enumerated on pages 11-17 of application Serial No. 08/425,029 (BE 1002; 11-17), the aryl component of both R^2 and R^3 is "phenyl." Moreover, in each of Examples 1-13 and 15, the aryl component of both the R^2 and R^3 is again "phenyl" (BE 1002; 40-62 and 65-67).

Application Serial No. 08/425,022 presents a clear preference for one of R^2 and R^3 to be a methylsulfonyl phenyl and especially a *para* methylsulfonyl phenyl. At pages 18-19 of application Serial No. 08/425,022 (BE 1001; 18-19), thirteen (13) of the sixteen (16) named "specific compounds of particular interest" have a *para* methylsulfonyl phenyl substituent. Of these thirteen compounds, six (6) have a *para* methylsulfonyl substituent on the phenyl of R^3, while seven (7) have a *para* methylsulfonyl on the phenyl of R^2. Furthermore, in the text bridging pages 17 and 18 of application Serial No. 08/425,022 (BE 1001; 17-18), R^3 is

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[1] BE refers to exhibits by the Senior Party Bertenshaw in consolidated Interference No. 103,873.

[2] The specifications of U.S. Serial No. 08/425,029 and U.S. Serial No. 08/425,022 are identical.

specifically shown to be a *para* C_1-C_3 alkylsulfonyl phenyl with a *para* methylsulfonyl phenyl of "particular interest". Every one of the Examples in U.S. Serial No. 08/425,022 has a methylsulfonyl phenyl substituent.

A person skilled in the art would recognize that application Serial No. 08/425,022 has a clear preference for R^2 and R^3 substituents being based on optionally substituted phenyls and a separate preference for one of the substituents being a methylsulfonyl phenyl and especially a *para* methylsulfonyl phenyl.

Dependant claims 67 through 72 are narrower in scope than the original claims 59 and 64 through 66 from which they depend and thus all these claims are patentable over the prior art for the same reasons that the original claims were found by the Primary Examiner to be patentable over the prior art.

Claim 73 is supported by U.S. Serial No. 08/425,022 at page 14, line 20 and in Example 13 at pages 59-62 (BE 1001; 14, 59-62). Indeed Ducharme essentially concedes this point in Ducharme Preliminary Motion 20 (page 4, Section V.C.).

On the basis of the above, entry of the claims is respectfully requested.

Respectfully submitted,

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